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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. T. 1565—R. T. 38-36-33, dated Bangalore, 19th November 1937.

Subject—Refund of Taxes.

In exercise of the powers conferred upon them by sub-section (4) of Section 9 of the Mysore Road Traffic and Taxes Regulation No. VI of 1935, as amended by Regulation No. IX of 1936, the Government of His Highness the Maharaja are pleased to issue the following amendments to sub-clauses (iv), (vii) and (viii) of Rule 24 (d) of the Mysore Motor Vehicles Tax Rules published with notification No. P. 3896—Legis. 46-35, dated the 16th December 1935 :—

Amendments.

Insert " or half year " in the following places :—

(i) After the word " quarter " in lines 2 and 3 of sub-clause (iv) published with notification No. P. 653—Legis. 46-35-86, dated the 23rd July 1936.

(ii) After the word "quarter" in line 2 of sub-clause (vii) published with notification No. T. 1120—R. T. 13-36-24, dated the 4—5th February 1937.

(iii) After the word "quarter" in lines 2 and 5 of sub-clause (viii) published with notification No. T. 1625—R. T. 13-36-29, dated the 16th March 1937.

After these amendments, the above sub-clauses will read as follows :—

"24 (d) (iv)—or the vehicles being purchased in the course of the quarter or half year and thus used during only a part of the quarter or half year.

* * * *

(vii) or the vehicle becoming derelict or unfit for further use in the course of the quarter or half year, the registration whereof has been duly cancelled by the Registering Authority.

(viii) or the vehicle being re-registered in the course of the quarter or half year (the original registration having been previously cancelled) and thus used during only a portion of the quarter or half year."

By Order,
M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

No. 2784—*L. C., Bangalore, dated* 23*rd November* 1937.

Under Rule 7 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying private Bill to remove all Legal Obstacles to the Marriage of Hindu Widows in the Mysore State is published for general information with the statement of objects and reasons.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Bill to Remove all Legal Obstacles to the Marriage of Hindu Widows in the Mysore State.

Whereas the removal of all legal obstacles to the marriage of Hindu Widows in the State will tend to the promotion of good morals and to the public welfare and whereas it is just to hold offsprings of such marriages as legitimate, it is hereby enacted as follows:—

Short title, extent and commencement.

1. (*i*) The Regulation may be called "The Mysore Hindu Widows Marriage Regulation, 193 ."

(*ii*) It shall extend to the whole of the territories of Mysore.

(*iii*) It shall come into operation at the expiration of six months from the date of its publication in the Official Gazette.

Marriage of Hindu Widows Legalised.

2. Notwithstanding any custom and any interpretation of Hindu Law to the contrary, no marriage contracted between Hindus shall be invalid, and no issue of such marriage shall be illegitimate, by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, provided that the parties must not be related to each other in any degree of consanguinity or affinity which would under Hindu Law render a marriage illegal.

Ceremonies constituting valid marriage to have effect on Widows Re-marriage.

3. Whatever words spoken, ceremonies performed or engagements made on the marriage of a Hindu female who has not been previously married, are sufficient to constitute a valid marriage, shall have the same effect if spoken, performed or made on the marriage of a Hindu Widow; and no marriage shall be declared invalid on the ground that such words, ceremonies or engagements are inapplicable to the case of a widow.

Consent to the re-marriage of a Widow.

4. A widow who has not completed her sixteenth year and whose previous marriage has not been consummated, shall not re-marry without the consent of her guardian in marriage in the order mentioned, *viz.*, her father, her mother or her next male relatives.

The consent of the guardian shall be presumed until the contrary is proved.

No such marriage shall be declared void after it has been consummated in the case of a widow who has completed her sixteenth year, or whose previous marriage has been consummated. Her own consent shall be sufficient consent to constitute her re-marriage lawful and valid.

Saving of rights of widow marrying.

5. Except as hereinafter provided, a widow shall not, by reason of her re-marriage forfeit any property or any right to which she would otherwise be entitled; and every widow who has re-married shall have the same rights of inheritance as she would have had, had such marriage been such marriage.

Rights of widow on her marriage.

6. All rights and interests which any widow may have inherited from her deceased husband shall upon her re-marriage cease and determine as if she had then died, and the next heirs of her deceased husband, or other persons entitled to the property on her death shall thereupon succeed to the same.

Exception I.—In the absence of such a next heir or person entitled to the property at the time of her re-marriage, the property inherited from her husband shall be deemed to be her absolute property.

Exception II.—Rights and interests in any property by virtue of any gift or testamentory disposition upon her only a limited estate with no power of alienating the same shall be deemed to confer upon her an absolute estate; *i.e.*, one with power of alienating the same, unless there is an express prohibition to re-marry in the terms evidencing the gift or testamentory disposition.

Guardianship of children of deceased husband on the re-marriage of his widow.

7. On the re-marriage of a Hindu widow, if neither the widow nor any other person has been expressly constituted by the will or testamentory disposition of the deceased husband the guardian of the children, she shall be entitled during their minority to have the care and custody of her children or any of them by her deceased husband until a competent Court having original Jurisdiction in civil cases in the place where the deceased was domiciled at the time of his death shall appoint some proper person other than the mother to be guardian on a petition by the father or the paternal grandfather or the mother or

the grandmother or any male relative of the deceased husband, and in making such appointment, the said court shall be guided, so far as may be, by the laws and rules in force touching the guardianship of children who have neither father nor mother:

Provided that, when the said children have not property of their own sufficient for their support and proper education whilst minors, no such appointments shall be made otherwise than with the consent of the mother unless the proposed guardian shall have given security for the support and proper education of the children during their minority:

Provided also that when the widow has been expressly constituted guardian by the will or testamentory disposition of the deceased husband no such appointment shall be made.

STATEMENT OF OBJECTS AND REASONS.

Mysore has not as yet a regulation corresponding to Act XV of 1856 which legalises the re-marriage of Hindu widows and we are therefore certainly behind British India in this respect. The British Act of 1856 was the outcome of the efforts of the late Pandit Iswar Chandar Vidyasagar making it applicable to all Hindu widows who may be so minded as to re-marry in spite of the traditional interpretation of the Hindu Law or custom to the contrary.

The Bill is purely a permissive measure and aims at removing legal obstacles to the re-marriages of such Hindu widows as wish to re-marry and at legitimising the children born of such wedlock. It endeavours to meet the growing consciousness of the educated Hindus who believe that the re-marriage of Hindu widows is not opposed to the true interpretation of the precepts of Hindu religion but is also in consonance with the principles of Justice and Equity. It does not affect the right of a Hindu widow who is allowed to re-marry by the custom of her community.

The rules of Consanguinity and Affinity under the Hindu Law are made applicable to the case of re-marriage and the widows gothram is fixed as that of her father for purposes of her re-marriage. The customary marriage ceremonies generally observed in the case of the first

marriage are made applicable to the re-marriages. In the case of a minor widow, the consent of her guardian in marriage is made obligatory except where her first marriage had been consummated.

The right of a widow in the estate of her deceased husband ceases on her marriage and she is divested of all rights inherited from him which then pass on to the next heir of her deceased husband. In the absence of such heir, the re-married widow continues to enjoy them as her absolute estate. The rights acquired by her under gift deed or will from her deceased husband are deemed as her absolute estate unless there is a prohibition to re-marry in the deed of the gift or the will.

A re-married widow continues to be the guardian of her children by the first husband until a civil court appoints another person in her place as guardian at the instance of some interested person.

No. 2785—*L.C., Bangalore, dated* 23*rd November* 1937.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to amend the Mysore Irrigation Regulation, I of 1932, is published for general information.

By Order,

A. SUNDARARAJA RAO,

Secretary,

Mysore Legislative Council.

Report of the Select Committee on the Bill to amend the Mysore Irrigation Regulation I of 1932.

We, the undersigned members of the Select Committee to which the Bill to amend the Mysore Irrigation Regulation I of 1932, was referred, have considered the Bill and have now the honour to submit this our Report.

1. We recommend that no change is needed in the Bill except a few verbal alterations. The bill need not be republished.

Sd. K. V. Anantaraman.
,, B. T. Kesaviengar.
,, H. V. Ramasvami.
,, B. R. Puttananjappa.
,, G. Girimaji Rao.
,, S. P. Rajagopalachari (*Chairman*).

N.B.—Mr. D. H. Chandrasekharaiya was unable to be present at the meeting.

No. 2786—*L. C., Bangalore, dated* 23*rd November* 1937.

Under Standing Order No. 49 of the standing orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill further to amend the Minor Tank Restoration Regulation, 1916, is published for general information.

By Order,
A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Minor Tank Restoration Regulation, 1916.

We, the undersigned members of the Select Committee to which the Bill further to amend the Minor Tank Restoration Regulation, 1916, was referred, have considered the Bill and have now the honour to submit this our Report.

We suggest that the proposed sub-clause (1) of clause 2 be omitted and that the words "whether situated in a Government or an alienated village," be added after the figure '1911' occurring in Section 2 of the said Regulation.

We recommend that the Bill need not be republished as no material alteration is made in it.

Sd. K. V. Anantaraman.
,, B. T. Kesaviengar.
,, H. V. Ramasvami.
,, B. R. Puttananjappa.
,, G. Girimaji Rao.
,, S. P. Rajagopalachari (*Chairman*).

N.B.—Mr. D. H. Chandrasekharaiya was unable to be present at the meeting.

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